IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.849 OF 2005
IN
SUMMONS FOR JUDGMENT NO.933 OF 2003
IN
SUIT NO.3764 OF 2001

Amar Girdharilal Bajaj .. Appellant.

V/s.

Karishma S. Devidasani & Anr. .. Respondents.

Mr.Birendra Saraf with Mr.S.J. Khera for the appellant.

Mr.B.G. Wadhwa for the respondents.

**CORAM : V.C. DAGA &**
**J.P. DEVADHAR, JJ.**

**DATED : 10TH OCTOBER, 2005.**

P.C. :

1. Heard learned counsel for the appellant.

2. Having examined rival pleadings and the contentions raised in the light of the impugned order, the view taken by the learned Single Judge is a reasonable and possible view. During the course of hearing, no perversity in the order could be pointed out by the learned counsel for the appellant. No case is made out to interfere with the order. The appeal is, thus, liable to be dismissed in limine with no order as to costs.

3. At this juncture, the learned counsel appearing for the appellant sought time to comply with the order and also undertook to pay the amount as ordered, if 12 weeks time is granted from today.

4. In view of the above submission which in our view is reasonable, we see no difficulty in granting time subject to the undertaking which the learned counsel has submitted orally after taking instructions from the appellant, who is present in the court, we grant 12 weeks time to comply with the order. However, it is made clear that the compliance of this order or deposit as directed in the impugned order will not come in the way of the appellant during the course of trial of the suit on merits. Deposit shall, therefore, be without prejudice to the rights of the appellant.

5. The appeal, accordingly, stands disposed of in terms of this order with no order as to costs.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)